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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
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26565 75	90 08/22/2006		EXAMINER	
MAYER, BROWN, ROWE & MAW LLP			WEBB, GREGORY E	
P.O. BOX 2828 CHICAGO, IL 60690-2828		ART UNIT	PAPER NUMBER	
011101100, 12			1751	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	
		10/804,338	DAMASO ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Gregory E. Webb	1751	
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the c	orrespondence address	
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING Discussions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Disperiod for reply is specified above, the maximum statutory period vure to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing led patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
1)□	Responsive to communication(s) filed on 24 Fe	ebruary 2006.		
2a)□		action is non-final.		
3)□	Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is	
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Disposit	ion of Claims			
5) <u>□</u> 6)⊠	Claim(s) <u>55-108</u> is/are pending in the application 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>55-108</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.		
Applicat	ion Papers			
9)□	The specification is objected to by the Examine	r.		
10)	The drawing(s) filed on is/are: a) acce	epted or b) \square objected to by the 8	Examiner.	
	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).	
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex			
Priority ι	under 35 U.S.C. § 119			
a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachmen	• •	Δ\	(DTO 442)	
	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	4) lnterview Summary Paper No(s)/Mail Da		
3) 🔀 Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date		atent Application (PTO-152)	

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 4. Prior to examination based on prior art, the logic behind the following rejections is as follows: 1) it is known to clean textiles with solvents such as cyclic terpenes, halocarbons, glycol ethers, esters, fatty alcohols, etc.; 2) it is also known to clean textiles with compressed or

supercritical gases and in particular it is well known to use supercritical carbon dioxide in these processes.

- 5. Therefore, the question remains would it have been obvious to combine these two processes? The examiner contends that such a process would be obvious as both processes are used in dry cleaning. The mere combination of these two pieces of equipment to produce the applicant's system would only involve putting two known pieces of equipment together.
- 6. First concerning the use of the various solvents claimed the following references addresses the fact that these are known solvents and known processes.

Claims 55-108 rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn, Richard M. (US6734154).

Concerning the textiles, Flynn, Richard M. teaches the following:

To remove soils from fiber and textile substrates, the cleaning process of the invention can be carried out by contacting the fiber or textile with a cleaning composition comprising an alkoxy-substituted perfluoroalkane at ambient or elevated temperatures. The soiled textile can be agitated to promote the dissolving, dispersing or displacing of soil using any conventional agitation means including shaking, stirring and ultrasonic agitation. When the textile is sufficiently cleaned, the cleaning composition may be removed (e.g. by decantation), the textile optionally rinsed using an alkoxy-substituted perfluoroalkane or any conventional dry-cleaning solvent to ensure soil removal and prevent redeposition, and the textile can be dried, for example, by air-drying with or without added heat. (emphasis added)

Concerning the drying vessel, Flynn, Richard M. teaches the following:

The ability of alkoxy-substituted perfluorocompounds to function as a rinse agent in a co-solvent cleaning process was evaluated. The above-described aluminum coupon was coated with solder flux (available from Alpha Metals as Alpha 611 rosin, mildly activated flux) by immersing the coupon into a flux-filled beaker. The flux-coated coupon was then dried using a forced air convection **drier**. The initial amount of the flux on the coupon was determined by weighing it on an analytical balance to the nearest 0.1 mg. The coupon was immersed in a container of a mixed solvating agent comprising approximately 50% methyl decanoate and 50% dipropylene glycol di-n-butyl ether and was sonicated for 1 minute at approximately 55.degree. C. The coupon was then immersed for 30 seconds into alkoxy-substituted perfluorocompound which had been heated to its boiling point.

The coupon was weighed again, and the results were recorded in Table 5 below as percent oil removed from the coupon. (*emphasis added*)

Concerning the pump, Polyols and the Aliphatic hydrocarbons, Flynn, Richard M. teaches the following:

The above-described test coupon was dipped into a paraffinic oil comprising a mixture of linear and branched **hydrocarbons** (DuoSeal Pump Oil, available from Sargent Welch), was immersed in mixed solvating agent comprising approximately 500% methyl caproate and 50% dipropylene **glycol** di-n-butyl ether for 30 seconds, and was then rinsed in boiling alkoxy-substituted perfluorocompound for 30 seconds. The percent oil removal was determined in the above-described manner. The results are shown in Table 7. (*emphasis added*)

Concerning the Cyclic terpenes, Halocarbons, Ethers and the Short chain alcohols, Flynn, Richard M. teaches the following:

Representative examples of co-solvents which can be used in the cleaning composition include methanol, ethanol, isopropanol, t-butyl alcohol, methyl t-butyl ether, methyl t-amyl ether, 1,2-dimethoxyethane, cyclohexane, 2,2,4-trimethylpentane, n-decane, terpenes (e.g., a-pinene, camphene, and limonene), trans-1,2-dichloroethylene, methylcyclopentane, decalin, methyl decanoate, t-butyl acetate, ethyl acetate, diethyl phthalate, 2-butanone, methyl isobutyl ketone, naphthalene, toluene, p-chlorobenzotrifluoride, trifluorotoluene, hexamethyl disiloxane, octamethyl trisiloxane, perfluorohexane, perfluorohexane, perfluorooctane, perfluorotributylamine, perfluoro-N-methyl morpholine, perfluoro-2-butyl oxacyclopentane, methylene chloride, chlorocyclohexane, 1-chlorobutane, 1,1-dichloro-1-fluoroethane, 1,1,1-trifluoro-2,2-dichloroethane, 1,1,1,2,2-pentafluoro-3,3-dichloropropane, 1,1,2,2,3-pentafluoro-1,3-dichloropropane, 2,3-dihydroperfluoropentane, 1,1,1,2,2-tetrafluorocyclobutane, 3-methyl-1,1,2,2-tetrafluorocyclobutane, and 1-hydropentadecafluoroheptane. (emphasis added)

Concerning the Esters of monobasic carboxylic acids, Flynn, Richard M. teaches the following:

Perfluorinated acyl fluorides (for use in preparing the alkoxy-substituted perfluorocompounds) can be prepared by electrochemical fluorination (ECF) of the corresponding hydrocarbon carboxylic acid (or a derivative thereof), using either anhydrous hydrogen fluoride (Simons ECF) or KF.2HF (Phillips ECF) as the electrolyte. Perfluorinated acyl fluorides and perfluorinated ketones can also be prepared by dissociation of perfluorinated carboxylic acid esters (which can be prepared from the corresponding hydrocarbon or partially-fluorinated carboxylic acid esters by direct fluorination with fluorine gas). Dissociation can be achieved by contacting the perfluorinated ester with a source of fluoride ion under reacting conditions (see the method described in U.S. Pat. No. 3,900,372 (Childs), the description of which is incorporated herein by reference) or by combining the ester with at least one initiating reagent selected from the group consisting of gaseous, non-hydroxylic nucleophiles; liquid, non-hydroxylic

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nucleophiles; and mixtures of at least one non-hydroxylic nucleophile (gaseous, liquid, or solid) and at least one solvent which is inert to acylating agents. (emphasis added)

Concerning the Siloxanes, Hydrofluoroethers and the Ketones, Flynn, Richard M. teaches the following:

This invention also provides a cleaning composition comprising (a) a major amount (preferably, at least about 60 percent of the composition by weight) of at least one mono-, di-, or trialkoxy-substituted perfluoroalkane, perfluorocycloalkane, perfluorocycloalkyl-containing perfluoroalkane, or perfluorocycloalkylene-containing perfluoroalkane compound, the compound optionally containing additional catenary heteroatoms; and (b) a minor amount of at least one co-solvent selected from the group consisting of alcohols, ethers, alkanes, alkenes, perfluorocarbons, perfluorinated tertiary amines, perfluoroethers, cycloalkanes, esters, ketones, aromatics, siloxanes, hydrochlorocarbons, hydrochlorofluorocarbons, and hydrofluorocarbons. Preferably, the co-solvent is selected from the group consisting of alcohols, alkanes, alkenes, cycloalkanes, esters, aromatics, hydrochlorocarbons, and hydrofluorocarbons. (emphasis added)

Concerning the Aprotic solvents, Flynn, Richard M. teaches the following:

Suitable alkylating agents for use in the preparation include dialkyl sulfates (e.g., dimethyl sulfate), alkyl halides (e.g., methyl iodide), alkyl p-toluenesulfonates (e.g., methyl p-toluenesulfonate), alkyl perfluoroalkanesulfonates (e.g., methyl perfluoromethanesulfonate), and the like. Suitable polar, **aprotic** solvents include acyclic ethers such as diethyl ether, ethylene glycol dimethyl ether, and diethylene glycol dimethyl ether; carboxylic acid esters such as methyl formate, ethyl formate, methyl acetate, diethyl carbonate, **propylene carbonate**, and ethylene carbonate; alkyl nitrites such as acetonitrile; alkyl amides such as N,N-dimethylformamide, N,N-diethylformamide, and N-methylpyrrolidone; alkyl sulfoxides such as dimethyl sulfoxide; alkyl sulfones such as dimethylsulfone, tetramethylene sulfone, and other sulfolanes; oxazolidones such as N-methyl-2-oxazolidone; and mixtures thereof. (emphasis added)

Claims 55-108 rejected under 35 U.S.C. 103(a) as being unpatentable over DeYoung, James P. (US6344243).

Concerning the organic solvent and the Halocarbons, DeYoung, James P. teaches the following:

For the most part, **organic solvents** such as hydrocarbons, **chlorinated** solvents, and chlorofluorocarbons (CFCs) have been employed in treating various substrates. Recently, however, the use of these solvents has been increasingly

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disfavored due to heightened environmental concerns. As one alternative, aqueous-based systems have been proposed for treating various articles. The use of the aqueous-based systems, however, also suffers from possible drawbacks. For example, contacting an article with water often adversely affects the physical properties of the article. For example, the texture and drape of a textile can be negatively impacted, or flash rusting of metal parts may occur due to water contact. Additionally, many low surface energy materials are largely insoluble in water, and must be formulated into emulsions or suspensions (an inherent disadvantage of aqueous systems). Moreover, water of suitable quality for use in coating and impregnation is becoming less available and more expensive. (emphasis added)

Concerning the pressurised fluid, DeYoung, James P. teaches the following:

In one aspect, the invention provides a method of treating a substrate. The method comprises contacting, preferably by immersing, a surface of the substrate with a pressurized fluid comprising carbon dioxide and a surface treatment component. The surface treatment component is entrained in the pressurized fluid and contacts the surface so that the surface treatment component lowers the surface tension of the surface of the substrate and treats the substrate. Surface treatment components comprising fluoroacrylate polymers (including copolymers thereof) are preferred. The fluid is preferably a liquid or **supercritical fluid**. (*emphasis added*)

Concerning the textiles, DeYoung, James P. teaches the following:

In another aspect, the invention provides a method of imparting stain resistance to a fabric. The method comprises immersing the fabric in a pressurized fluid containing carbon dioxide and a surface treatment component. The surface treatment component is entrained in the pressurized fluid and contacts the fabric to lower the surface tension of the fabric. The surface treatment component is deposited on the fabric, and the carbon dioxide separated from the fabric so that the surface treatment component remains deposited on the fabric, thus rendering the fabric stain resistant. (emphasis added)

Concerning the pump, DeYoung, James P. teaches the following:

In all of the foregoing, the depositing step is followed by separating the carbon dioxide fluid from the substrate by any suitable means, such as by **pump**ing or venting the fluid from the vessel containing the substrate after the deposition step. As will be appreciated, it is not necessary at all, or even a major portion of, the surface treatment component be deposited from the fluid onto the substrate, so long as a sufficient quantity is deposited to achieve the desired coating effect on the substrate after it is separated from the fluid. (*emphasis added*)

Concerning the Cyclic terpenes, Glycol ethers, Ethers, Short chain alcohols, Aliphatic hydrocarbons and the Esters of dibasic carboxylic acids, DeYoung, James P. teaches the following:

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Examples of suitable co-solvents or modifiers include, but are not limited to, liquid solutes such as alcohols (e.g., methanol, ethanol, and isopropanol); fluorinated and other halogenated solvents (e.g., chlorotrifluoromethane, trichlorofluoromethane, perfluoropropane, chlorodifluoromethane, and sulfur hexafluoride); amines (e.g., N-methyl pyrrolidone); amides (e.g., dimethyl acetamide); aromatic solvents (e.g., benzene, toluene, and xylenes); esters (e.g., ethyl acetate, dibasic esters, and lactate esters); ethers (e.g., diethyl ether, tetrahydrofuran, and glycol ethers); aliphatic hydrocarbons (e.g., methane, ethane, propane, ammonium butane, n-pentane, and hexanes); oxides (e.g., nitrous oxide); olefins (e.g., ethylene and propylene); natural hydrocarbons (e.g., isoprenes, terpenes, and d-limonene); ketones (e.g., acetone and methyl ethyl ketone); organosilicones; alkyl pyrrolidones (e.g., N-methyl pyrrolidone); paraffins (e.g., isoparaffin); petroleum-based solvents and solvent mixtures; and any other compatible solvent or mixture that is available and suitable. Mixtures of the above co-solvents may be used. The above components can be used prior to, during, or after the substrate is contacted by the CO.sub.2 fluid. (emphasis added)

Concerning the Polyols and the Ketones, DeYoung, James P. teaches the following:

A coating synthesized by free radical polymerization of perfluoroalkyl acrylate, butyl acrylate, poly(propylene glycol) methyl ether acrylate, and poly(propylene glycol) methacrylate containing approximately 25 mole % perfluoroalkyl acrylate was dissolved in a mixture of methyl ethyl ketone (MEK) and dipropylene glycol methyl ether acetate. In this case, 1.75 grams of the polymer was first dissolved in 10 mL of MEK and then diluted with dipropylene glycol methyl ether acetate to a total volume of 70 mL, 2.5 w/v % solution. (emphasis added)

Concerning the Siloxanes, DeYoung, James P. teaches the following:

Exemplary siloxane-containing segments include alkyl, fluoroalkyl siloxanes such as, but not limited to, polydimethyl siloxanes, polydiphenyl siloxanes, and polytrifluoro propyl siloxanes; Copolymers of the above may be employed which includes various types of monomers. Mixtures of any of the above may be used. (emphasis added)

Based on these two references it is clear that using solvents in dry cleaning processes is well known.

Claims 55-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over either DeYoung or Flynn as applied to claims 55-108 above, and further in view of Malchow, Gregory L. (US6012307).

Concerning the pressurised fluid, Malchow, Gregory L. teaches the following:

12. The **liquid carbon dioxide** cleaning system as recited in claim 11, wherein the first and second plurality of nozzles are arranged to produce an alternating pattern of generally tangentially directed and generally radially directed wash bath flows relative to the basket. (*emphasis added*)

Concerning the cleaning vessel, Malchow, Gregory L. teaches the following:

The present invention relates to dry-cleaning systems and, more particularly, to a dry-cleaning system having a **cleaning vessel** in which agitation of items contained therein may be selectively controlled for enhanced and faster cleaning cycles. (*emphasis added*)

Concerning the organic solvent tank and the pump, Malchow, Gregory L. teaches the following:

In general, the dry-cleaning machine 10 includes a pressure vessel 12 having a rotatable perforated basket 14 disposed therein for containing items 18 to be cleaned. A liquid wash bath 16 derived from a liquifiable gas, such as carbon dioxide, is preferably used as the dry-cleaning solvent. A **pump** 36 is provided for directing the wash bath 16 from a **storage tank** 20 and through an inlet 22 into the pressure vessel 12. Between the **pump** 36 and the vessel 12, a pre-heater 38 is provided for use in maintaining the liquifiable gas in its liquid phase as it is moved from the **storage tank** 20 to the vessel 12. The vessel 12 is further equipped with a heater 24, pressure sensor 26, and temperature sensor 28 to aid in temperature and pressure control for properly maintaining the wash bath in liquid phase during the dry-cleaning cycle. (*emphasis added*)

Claims 55-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over either DeYoung or Flynn as applied to claims 55-108 above, and further in view of LeBlanc, Maurice O. (US5943721).

Concerning the pressurised fluid, LeBlanc, Maurice O. teaches the following:

Efforts have been made in the past to develop dry cleaning systems in which clothing is contacted with chilled **liquid carbon dioxide** for the purpose of removing contaminants from the garments. Such prior art systems contemplate converting the carbon dioxide from its liquid state to its gaseous state in an evaporator so as to leave behind the contaminants. The gas is then condensed back to **liquid carbon dioxide**, which is recycled to the cleaning chamber. (emphasis added)

Concerning the textiles and the cleaning vessel, LeBlanc, Maurice O. teaches the following:

In FIG. 1, there is shown a wash vessel WV that is particularly suited for cleaning fabric articles, such as clothing, with liquid carbon dioxide (CO.sub.2). The wash vessel is a pressure vessel having an outer cylindrical sidewall 12 around an

interior cleaning chamber 14 containing a perforated basket 16 mounted for rotation on a drive shaft 18 rotatably supported in a pair of bearings 19, 20 fixed to the upper surface of a platform 22 mounted on an end wall 40 of the wash vessel- The outer end of drive shaft 18 carries a driven pulley 24 that is arranged to be driven in rotation by a belt 26 passing around a drive pulley 28 on the shaft of a motor M5 mounted on a base 32. Also mounted on the base 32 by means of a pair of dual brackets 33, 34 is the wash vessel WV. The inner end of the drive shaft 18 is connected to the tumbler basket 16 after passing through a seal assembly 36, which will be described in more detail below. The seal assembly 36 is rigidly mounted in an inverted head piece 38 welded in an opening 39 in the hemispherical rear end wall 40 of the wash vessel. (emphasis added)

Concerning the organic solvent tank, LeBlanc, Maurice O. teaches the following:

The system also comprises at least one **storage vessel** for storing the solvent, at least one **storage vessel** for storing the co-solvent, a distillation tank for vaporizing the solvent to separate it from dissolved and suspended contaminants and from the co-solvent, means for condensing and recycling the evaporated solvent, and a rinse **fluid tank** for recovering and re-using the cleaning fluid used in a rinse cycle following a wash cycle. A compressor is used to maximize the recovery of gaseous solvent before the wash vessel is opened to ambient pressure after completion of a wash operation, which may consist of a wash cycle alone or consecutive wash and rinse cycles. (*emphasis added*)

Concerning the pump, LeBlanc, Maurice O. teaches the following:

If a rinse cycle is selected to take place before the spin cycle, solenoid valves SV2, SV4, SV6, SV18 and SV21 are opened, and **pump** M3 is run to fill the wash vessel to a volume of approximately 30 percent with liquid CO.sub.2 from storage tanks ST1 and ST2 through lines L8, L9, L25, L23 and L24. When the volume has reached 30 percent, **pump** M3 is shut off, solenoid valves SV2 and SV4 are closed, and solenoid valves SV20, SV22, SV24 and SV25 are opened. Pump M3 is then re-started so that liquid CO.sub.2 is recirculated through lines L26, L27, L28, L25, L23 and L24. Motor M5 is then run for about two to about five minutes si as to rotate the tumbler basket 16 as in the wash cycle. At the end of the rinse cycle, **pump** M3 and motor M5 are shut off and solenoid valve SV21 is closed. Solenoid valve SV9 is then opened and **pump** M3 run to **pump** the used rinse fluid from the wash vessel to the rinse storage tank RT through lines L26, L27, L28, L25, L23 and L30. (*emphasis added*)

Conclusion

It is unclear to the examiner which if any of the features of the instant application renders the claims novel. Cleaning vessels are known. Pumps are known. Pressurized fluid for dry cleaning is known. None of the individual features stands out as being unusual. Nor does combining these known features appear to be novel as each of the features is commonly used in the dry cleaning industry. As such, the examiner does not see any features which would render the instant claims allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglass McGinty can be reached on (571)272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Gregory E. Webb Primary Examiner Art Unit 1751

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